<u>REMARKS</u>

The present application was filed on September 26, 2003 with claims 1 through 21. Claims 1-2, 4-14, and 16-21 are presently pending in the above-identified patent application. The present amendment proposes to amend claims 1, 10 and 13; cancel claims 4 and 16, without prejudice;

5 and add new claims 22-25. No additional claim fee is required.

In the Office Action, the Examiner rejected claims 1-2, 4-14, and 16-21 under 35 U.S.C. §102(b) as being anticipated by Erb (United States Patent Number 6,130,938).

<u>Independent Claims 1, 10, and 13</u>

Independent claims 1, 10, and 13 were rejected under 35 U.S.C. §102(b) as being

10 anticipated by Erb. Regarding claim 1, for example, the Examiner asserts that Erb discloses routing the communication to the user (citing Abstract), based on a predicted presence of the user at a plurality of communication devices (31, 26, 27, 28A, 28B, 29), wherein the predicted presence is based on a presence pattern indicating a probability of the user to be present on the plurality of communication devices at a given time. (citing Abstract, col. 1, lines 30-67, col. 4, lines 20-67, col. 5, lines 5-55).

15 Applicant notes that Erb discloses an automatic call forwarding system. In particular, Erb discloses a method for forwarding telephone calls that employs a linked list of possible forwarding destinations for each subscriber. In addition, a behavior database is maintained for each subscriber "based on a *success rate* at reaching the subscriber at each destination." A target destination where the called subscriber is probably located is determined from the behavior database for a called subscriber.

20 See, e.g., col. 1, lines 31-40.

Claims 1 and 13

Erb attempts each number sequentially. See, e.g., col. 3, lines 32-35 (noting that the forwarding table 25 is in the form of a linked list, so that if the subscriber is not present at the most likely destination, the *next* destination is tried and so on). See, also, col. 5, lines 30-37, where it is noted

25 that the "call is then presented to the best guess destination for a configured duration (i.e 3 rings). Should the call not be answered, the system again applies opportunistic reasoning techniques to determine the *next* best guess destination to attempt. This is repeated a configured number of times before the call is delivered to the user's answering service."

Claims 1 and 13 have been amended to emphasize that the "communication is

30 *substantially simultaneously routed* to a plurality of said one or more communication devices during a *transitional time* between at least two presence patterns." Support for this amendment can be found in

the original Specification, for example, at page 6, lines 1-6. The Examiner has considered a similar limitation in rejecting claim 4. For support of the rejection of claim 4, the Examiner has cited most of columns 5 and 6. Applicant can find no teaching in Erb, especially at columns 5 and 6, of simultaneously routing a communication to a plurality of communication devices, as required by claims

5   1 and 13, as amended.

Claim 10

Erb records a success rate for each supported communication device. See, e.g., FIGS. 4 and 5, and corresponding discussion. As shown in FIGS. 4 and 5, the success rate data may be stored with time data and can include the time of day. See, e.g., col. 1, lines 64-66. In the case of time of day

10   and day of week, a list of the hours (or days) at which calls are successfully delivered is stored. Col. 4, lines 28-30. Thus, each time a call is successfully delivered, the time of day is noted, as shown in FIGS. 4 and 5.

Claim 10 has been amended to emphasize that the detected pattern of behavior indicates a likelihood that a user is present at a plurality of communication devices for "each of a *plurality* of

15   time intervals, wherein each of said time intervals indicates at least one communication device where said user is predicted to be present during said corresponding time interval." While Erb may record the time of day each time a call is successfully delivered, Erb does not disclose or suggest a plurality of time intervals indicating at least one communication device where the user is predicted to be present during the corresponding time interval, as required by independent claim 10, as amended. Support for

20   this amendment may be found in the original specification, for example, in FIG. 5 and the corresponding discussion and at page 9, lines 3-11.

New Claims

New claims 22 and 24 are directed to a predicted presence based on a current presence state of the user on each of one or more communication devices. Support for this feature is found, for

25   example, at page 6, lines 14-16 of the originally filed specification.

New claims 23 and 25 are directed to a presence pattern recorded as a plurality of time intervals each indicating at least one communication device where said user is predicted to be present during said corresponding time interval. Support for this feature is found, for example, in FIG. 5 and the corresponding discussion and at page 9, lines 3-11.

30   New claims 22-25 have been added to more particularly point out and distinctly claim various features of the invention, consistent with the scope of the originally filed specification, in order

to give applicants the protection to which they are entitled. No new matter has been introduced.

Dependent Claims 2-9, 11-12 and 14-21

Dependent claims 2, 5-9, 11-12, 14, and 17-21 were rejected under 35 U.S.C. §102(b) as being anticipated by Erb. Claims 2, 5-9, 11-12, 14 and 17-25 are dependent on claims 1, 10, or 13, and are therefore patentably distinguished over Erb because of their dependency from independent claims 1, 10, and 13 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,

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